

IN THE UNITED STATES
DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF
AMERICA,

v.

SAUL HERNANDEZ-CORTEZ,
DEFENDANT.

CASE NUMBER

2:07-CR-89-MHT

**MOTION TO REDACT PORTIONS OF
PRE-SENTENCE REPORT**

COMES NOW, the Defendant, by and through counsel, and moves this Honorable Court to redact portions of the Defendant's Presentence Report by stating the following:

1. The Defendant's Sentencing Hearing is currently scheduled for November 13, 2007 at 10:00 a.m.
2. Following review of the Defendant's Presentence Report, specifically Paragraph Number 9 page 4 under **Adjustment for Obstruction of Justice** the Probation Officer recounted an event that occurred at the Montgomery City Jail.
3. Said information is clearly prejudicial and as stated by the Probation Officer's report, ...“Absent any findings attaching the defendant's knowledge, participation or cooperation in this incident, there is no know information to suggest the defendant obstructed or impeded or attempted to obstruct or impede the administration of justice.”

4. Pursuant to *Rule 32(d)(2)(iii), Federal Rules of Criminal Procedure*, the presentence report must also contain the following information: (iii) any circumstances affecting the defendant's behavior that may be helpful in imposing sentence or in correctional treatment.

5. The information contained in this paragraph is irrelevant in the determination of the sentence to be imposed by this Honorable Court.

6. Should the noted information remain in the Defendant's Presentence Report, the Defendant could suffer undue hardship, difficulties and be subject to prejudicial treatment while with the Federal Bureau of Prisons.

WHEREFORE, the above premises considered, the Defendant prays that this Honorable Court will redact Paragraph Number 9 of the Defendant's Presentence Report.

RESPECTFULLY SUBMITTED this the 9th day of November, 2007.

/s/ Daniel G. Hamm

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of this Motion to Redact Portions of Pre-sentence Report by electronic transmission or by placing a copy in the United States Mail with sufficient postage for first class delivery to the attorneys named below.

DONE this the 9th day of November, 2007.

/s/ Daniel G. Hamm

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